

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America.

2:13-cr-00085-JAD-PAL

Plaintiff

Order Denying Motions for Reconsideration, Appointment of Counsel, and Evidentiary Hearing

Marco Antonio Caballero-Perez,

[ECF Nos. 163, 164, 165]

Defendant

10 Marco Antonio Caballero-Perez moves for reconsideration of my amended order denying his
11 motion to vacate his sentence under 28 U.S.C. § 2255,¹ an evidentiary hearing,² and for counsel to be
12 appointed to represent him at the evidentiary hearing.³ The government opposes Caballero-Perez's
13 motions, arguing that he has failed to identify any factual or legal error in my order denying his 2255
14 motion.⁴ I agree.

Motions for reconsideration are not expressly authorized in the Federal Rules of Civil Procedure, but district courts may grant them under Rule 59(e).⁵ Reconsideration is only warranted when: (1) the movant presents newly discovered evidence, (2) the district court committed clear error or the initial ruling was manifestly unjust, or (3) there is an intervening change in controlling law.⁶ Although reconsideration may also be warranted under other highly unusual circumstances, it is well recognized as an “extraordinary remedy, to be used sparingly in the interests of finality and

¹ ECF No. 163.

² ECF No. 165.

³ ECF No. 164

⁴ ECF No. 166.

⁵ See *Sch. Dist. No. 11 Multnomah Cnty. v. ACands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

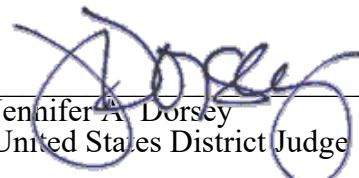
⁶ *Id.* (internal citations omitted).

1 conservation of judicial resources.”⁷

2 I find no new evidence, clear error or manifest injustice, or intervening change in law that
3 would warrant reconsideration of the order that Caballero-Perez now challenges.

4 Accordingly, IT IS HEREBY ORDERED that Caballero-Perez’s motion for reconsideration
5 [ECF No. 163] is DENIED, and his motions for an evidentiary hearing [ECF No. 165] and for
6 appointment of counsel to represent him at the evidentiary hearing [ECF No. 164] are denied as
7 moot.

8 Dated July 20, 2017

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11 Jennifer A. Dorsey
United States District Judge

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28 ⁷ *Carroll v. Nakatani*, 342 F.3d 934, 945 (9th Cir. 2007) (internal quotations omitted).